

1 Jose DeCastro  
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2 Santa Monica, CA 90404  
(310) 963-2445  
3 chille@situationcreator.com

4  
5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 JOSE DECASTRO )

Case No.: 2:23-CV-00580

8 Plaintiff, )

**MOTION TO COMPEL DISCOVERY  
RESPONSES**

9 v. )

10 LAS VEGAS METROPOLITAN POLICE )  
DEPARTMENT, et al. )

11 )  
12 Defendants. )  
13 \_\_\_\_\_ )

14  
15 Pursuant to Fed. R. Civ. P. Rule (37) and Local Rule 26 Plaintiff Jose DeCastro  
16 (“Plaintiff”) respectfully moves this Court to compel discovery responses from all defendants  
17 (“Defendants”). Pursuant to LR 26-6(c), Plaintiff has mad a good-faith effort to meet and confer  
18 as defined in LR IA 1-3(f) before filing this motion.

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 The discovery sought by Plaintiffs is relevant to Plaintiffs’ claims or defenses. The  
21 discovery sought is proportional to the needs of the case, especially considering the importance  
22 of the issues at stake in the action, the amount in controversy, the parties’ relative access to  
23 relevant information, the parties’ resources, the importance of the discovery in resolving the

1 issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.  
2 (Fed. R. Civ. P. 26(1)).

3 Defendants have not objected to any of Plaintiff's discovery requests and the time limit to  
4 do so has expired.

5 Plaintiff sent the attached Request for Production of Documents, but has not received any  
6 responses.

7 Plaintiff requests this court to order Defendants to compel discovery for Plaintiff's first  
8 request for production of documents.

9 **CERTIFICATION OF MEET AND CONFER REQUIREMENTS**

10 I attempted to meet and confer and discuss a proposed extension of time to respond, but  
11 Defendants' counsel, Craig Anderson ("Anderson") has been generally unavailable when I call  
12 his office, or when I get him on his cell phone he says he sent it and changes the subject and  
13 otherwise fails to respond.

14 Prior to the response due date, Anderson did confirm receiving the RFP and even  
15 confirmed the due date of "December 16<sup>th</sup>" in two separate emails.

16 I called Defense Counsel at the following times:

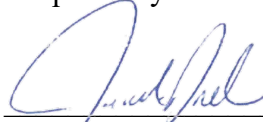
17 12/18/2023 2:06 PM Office  
18 12/21/2023 12:01 PM Cell  
19 12/21/2023 12:03 PM Office  
20 12/21/2023 12:36 PM Office  
21 12/22/2023 1:46 PM Cell  
22 12/22/2023 1:49 PM Office

23 I've even texted Anderson back and forth. When I repeat to him that I've not received the  
discovery and ask if he wants to agree to a new due date, he just says that they already sent it and  
sends me another copy of Defendants' initial disclosures. I've now received initial disclosures

1 ten times and keep telling him that it's not what I'm referring to. He seems to be playing games.

2  
3 DATED: December 22, 2023

Respectfully submitted,

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Jose DeCastro  
6 *Pro Se* Plaintiff

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# ATTACHMENT 1

1 Jose DeCastro  
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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 JOSE DECASTRO )

Case No.: 2:23-CV-00580

8 Plaintiff, )

**PLAINTIFF’S FIRST REQUEST FOR  
PRODUCTION OF DOCUMENTS**

9 v. )

10 LAS VEGAS METROPOLITAN POLICE )  
DEPARTMENT, et al. )

11 )  
12 Defendants. )  
13 \_\_\_\_\_ )

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15 **REQUESTING PARTY:** Plaintiff, Jose DeCastro

16 **SET NUMBER:** First

17 **RESPONDING PARTY:** Each Defendant (LVMPD, BORQUE, TORREY, DINGLE,  
18 SORENSON, SANDOVAL, DOOLITTLE)

19 Pursuant to Fed. R. Civ. P. Rules 26 – 37, Plaintiff Jose DeCastro requests that Each  
20 Defendant permit inspection of each of the following categories of documents and electronically  
21 stored information within thirty (30) days at 1258 Franklin St., Santa Monica, CA 90404:

22 **ARTICLE I: INSTRUCTIONS.**

23 1.1. Electronically stored information shall be produced in the following format:

1 searchable PDF including timestamps for messages.

2 1.2. If Defendant objects to the production of any document on the grounds of the  
3 attorney-client privilege or work product doctrine or any other privilege or doctrine, Defendant  
4 shall provide the unprivileged portions, and on the date responses are due, provide a privilege log  
5 that includes the following information for each document:

6 (a) The names of each writer, sender, or initiator of each copy of the document

7 (b) The names of each recipient, addressee, or party to whom the document was sent or  
8 whom received the document

9 (c) The date of each copy of the document, or an estimate of its date

10 (d) A non-privileged description of the contents of the document

11 (e) The relevant privilege or doctrine and a statement of the basis for the claim

12 1.3. Unless otherwise indicated, these requests cover the time period from January 14,  
13 2023 to the present (Date of Plaintiff's first viral video of LVMPD).

14 **ARTICLE II. DEFINITIONS.**

15 1.4. "DOCUMENT" has the same meaning as the definition of "writing", "recording", or  
16 "photograph" in the federal evidence code and includes all written and graphic matter, however  
17 produced or reproduced, of any kind or description, whether sent or received or neither,  
18 including originals, non-identical copies and drafts, and both sides thereof, including letters,  
19 correspondence, memoranda, email, texts, tweets, posts, messages in any digital or electronic  
20 format, contracts, photographs, diaries, journals, calendars, logs, notebooks, computer files  
21 stored by any means, computer printouts, and includes all DOCUMENTS in your possession,  
22 custody, or control that may be stored in or accessible through any cloud-based service.

23 1.5. "PERSON" means any natural person, entity, firm, corporation, partnership,

1 association, joint venture, or other form of business organization or arrangement, and/or  
2 government or government agency.

3 1.6. "COMMUNICATION" means any exchange or conversation and includes, by  
4 example, those transmitted written letter, memorandum, email, or DOCUMENT of any kind  
5 transmitted from one PERSON to another, by telephone, voicemail, text message, chat, or any  
6 other medium, or in person.

7 1.7. "Concerning" means constituting, comprising, relating to, referring to, reflecting,  
8 evidencing, or in any way relevant.

9 1.8. "Associate" refers to any two people that are familiar to each other, including but not  
10 limited to friends, family members, business associates, and vendors.

11 1.9. "LVMPD" refers to any organization that more than one Defendant is a member of.

12 1.10. "YOU" and "YOUR" means Each Defendant and any business entities concerning  
13 them.

14 1.11. The terms "any" and "all" mean "any and all."

15 1.12. The singular of any term includes the plural and the plural includes the singular.

16 1.13. The terms "and" and "or" shall be construed conjunctively or disjunctively as  
17 necessary to make the document request inclusive, rather than exclusive.

18 The use of a verb in any tense shall be construed as the use of the verb in all other tenses  
19 whenever necessary to bring documents within the scope of the request.

20 **ARTICLE III. REQUESTS.**

21 Request for Production No. 1: All COMMUNICATIONS between YOU and any other  
22 defendant. (Plaintiff will be adding claims for conspiracy to the amended complaint).

23 Request for Production No. 2: ALL COMMUNICATIONS between YOU and any

1 PERSON associated with the Las Vegas Police Protective Association.

2 Request for Production No. 3: All COMMUNICATIONS concerning Plaintiff or his  
3 associates (including Floyd Wallace) between YOU and any other PERSON, including but not  
4 limited to family members and colleagues.

5 Request for Production No. 4: All documents and things that would show any current or  
6 past organizational structure between Each Defendant.

7 Request for Production No. 5: All documents and things that would identify the true name,  
8 address, and phone number of Each Defendant.

9 Request for Production No. 6: All documents and things concerning disparagement of  
10 Plaintiff and his associates.

11 Request for Production No. 7: All documents and things concerning the location, tracking  
12 of location of Plaintiff or his associates.

13 Request for Production No. 8. All documents and things concerning the facts or reputation  
14 of Plaintiff or his trade.

15 Request for Production No. 9. All documents and things concerning harassment, trolling,  
16 vandalism, hacking, or social media post, or any other behavior concerning Plaintiff or his trade.

17 Request for Production No. 10. Copy of any and all recorded interviews and respective  
18 transcripts conducted in connection with this action.

19 Request for Production No. 11. Name, address, phone number, and email address of any  
20 witnesses that Each Defendant intends to call at trial.

21 Request for Production No. 12. Name, address, phone number, and email address of all  
22 witnesses of the arrest and concerning incidents to the arrest in this action, including, but not  
23 limited to officers and supervisors at the scene, dispatchers, and the passengers of the silver



1 Hyundai Elantra that Bourque was interacting with on March 15, 2023 related to this action.

2 Request for Production No. 13. Copy of any and all crime scene analysis and/or forensic  
3 reports, results, requests for examination and/or testing performed on any of the physical or  
4 biological evidence collected concerning this action, specifically but not limited to, the results of  
5 any testing involving blood, DNA, hair, fingerprints, shoeprints or other samples taken, and  
6 information of evidence gathered but not tested in this action.

7 Request for Production No. 14. Copy of any and all audio recordings and related  
8 documentation including but not limited to 911 calls, CAD to CAD, dispatch calls, communication  
9 logs and any otherwise memorialized communications concerning this action (including but not  
10 limited to any communications where officers discuss “first amendment auditors”, “the recording  
11 of police”, this action, incidents including leading up to this action and after the alleged incident  
12 concerning this action, the Plaintiff, or his associates).

13 Request for Production No. 15. Copy of any and all photographs taken and or gathered,  
14 crime scene diagrams drafted and investigative reports prepared by law enforcement in connection  
15 with this action, including but not limited to, property inventory reports, impound reports and  
16 images of the scene concerning any alleged incident concerning this action.

17 Request for Production No. 16. Disclosures of any and all details of any compensation,  
18 express or implies promises of favorable treatment or leniency or any other benefit that any of the  
19 State’s witnesses received or expect to receive in exchange for their cooperation with the  
20 concerning prosecution or litigation, including but not limited to, any promise made to any witness  
21 to provide monetary support, counseling and/or treatment.

22 Request for Production No. 17. Copy of any and all written statements, reports and/or  
23 information provided by the alleged victims.

1 Request for Production No. 18. Copy of any and all video and/or audio recordings of the  
2 alleged incident and/or otherwise related to the allegations in this case, including but not limited  
3 to body camera video recordings (including but not limited to any communications where officers  
4 discuss “first amendment auditors”, “the recording of police”, this action, incidents including and  
5 leading up to this action and after the alleged incident concerning this action, the Plaintiff, or his  
6 associates).

7 Request for Production No. 19. Complete criminal histories of all State witnesses.

8 Request for Production No. 20. Any and all information bearing on the truthfulness or bad  
9 character of the State witnesses, including but not limited to, any contempt citations issued against  
10 the witnesses, any past instances of dishonesty, fraud, lying or violence on the part of the witness  
11 that is known to the State or its agents.

12 Request for Production No. 21. Any and all documents made by any State witness or any  
13 other person that are in any manner inconsistent with the written and/or recorded statements  
14 previously provided to the Plaintiff.

15 Request for Production No. 22. Any documents, including but not limited to copies of  
16 emails, text messages, memorandums, involving any law enforcement officer or other state  
17 personnel in which the Plaintiff is mentioned by name or reference.

18 Request for Production No. 23. Any and all personnel/discipline documents for any law  
19 enforcement officer or other state personnel involved in this action including any past or prior  
20 discipline or reprimand for said officer’s actions which were alleged or found to have violated the  
21 civil rights or liberties of other individuals.

22 Request for Production No. 24. Any materials, written or otherwise recorded, relating to  
23 training any officers involved in the underlying case have received training said officers about the

1 First Amendment, the rights of citizens to film officers, and the relation between the First  
2 Amendment and obstruction of an officer's duties, including any policy manuals provided to any  
3 officer in this case which addresses those issues.

4 Request for Production No. 25. A list of any remedial or other training concerning the  
5 incidents of the case, as well as the contents of that training, provided to the officers involved in  
6 this case or the rest of the department concerning or as the result of this case or where the contents  
7 of the training is related to the type of incident in this case.

8 Request for Production No. 26. Any of the department's use of force, arrest, misdemeanor  
9 arrest, and interactions with the public policies, including any policies on dealing with the media,  
10 press, the freedom of speech, and recording police. Including any memos related to any of this,  
11 that were in effect during the time of the arrest or that were enacted or distributed after.

12 Request for Production No. 27. Any document, photograph, or other paper that the party  
13 intends to introduce at trial.

14 Request for Production No. 28. Any exculpatory evidence that could help the Plaintiff.

15 Request for Production No. 29. All non-privileged documents and things concerning this  
16 action.

17 Request for Production No. 30. All non-privileged documents that Defendant sent to or  
18 received from any person concerning this action.

19 Request for Production No. 31. All non-privileged communications concerning Plaintiff or  
20 this action.

21 Request for Production No. 32. All documents including body worn camera video, audio  
22 recordings, dashcam video, interview recordings, internal security audio and video, external  
23 security audio and video that include Each Defendant for the entire date of March 15, 2023.

1 Request for Production No. 33. All documents related to insurance policies that may cover  
2 liability concerning this action or that was expected to cover liability concerning this action.

3 DATED: November 16, 2023

Respectfully submitted,

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6 Jose DeCastro  
7 *Pro Se* Plaintiff

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